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# **Notice of Allowability**

Application No.

10/612,301

Examiner

M. A. Sager

Applicant(s)

TOYODA, HIROBUMI

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amdt/remarks rec'd 3/27/07 and interview.
2. ☒ The allowed claim(s) is/are 1,2,5-7,10,12 and 13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview June 4 and 8, 2007.

The application has been amended as follows:

Claim 1, line 15, after 'lottery', added --, the win/loss determination device selects the player from the plurality of players other than the highest-ranking player--.

Claim 5, line 8, after 'player', added --, the processor randomly selects the player from the plurality of players other than the highest-ranking player--.

Claim 6, line 11, after 'result' added --, the processor selects the another player by lottery from the plurality of players other than the highest-ranking player--.

Claim 7, line 15, after 'result' added --, the win/loss determination device selects the another player by lottery from the plurality of players other than the highest-ranking player--.

Claim 10, line 7, after 'players' added --, the processor randomly selects the one player from the plurality of players other than the determined highest-ranking player--.

Cancel claim 11.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the language selects the player from the plurality of players other than the highest ranking player, or similar, in

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combination with other claimed features/steps provides a preclusion of selection from all players taught by prior art. Essentially, Huard teaches random selection of a player for a bonus from all players whereby a player may not be the highest ranking player on occasion by chance; however, the claim language selects a player from the plurality of players other than the highest ranking player' thereby making the selection of the randomly selected player from a set of players that excludes the highest ranking player and thus is deemed allowable over combination for the process of excluding highest ranking player from the lottery or random selection. Also, non-uniform distribution in gaming is well known; while, non-uniform distribution of gathered wagers such as a pot is known in poker games such as hi-lo where in some versions uniform distribution is done, while in others non-uniform distribution is done as decided by house rules. As such, non-uniform distribution of collected wagers does not patentably distinguish; however, in conjunction with language above, is deemed patentable for reasons provided above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

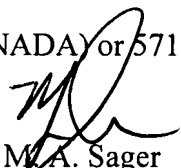
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sidley discloses linked game terminals for playing poker such as hi-lo (1:23-36, 2:38-45, figs. 1-20) with communal display and distribution of collected wagers.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
M. A. Sager  
Primary Examiner  
Art Unit 3714

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